

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, et al.,
Plaintiffs,
v.
CARELINK HOSPICE, INC.,
Defendant.

Case No. [15-cv-04095-WHO](#)

**ORDER GRANTING MOTION TO
DISMISS**

Re: Dkt. No. 17

Defendant Carelink Hospice, Inc. ("Carelink") moves to dismiss Relator Yolanda Armstrong-Young's Complaint (Dkt. No. 1) under Rule 12(b)(6) for failure to state a claim. She has yet to respond.

After the motion was filed, Armstrong-Young sent correspondence to the Court, indicating that she wishes to concede to dismissal of so long as she is granted leave to amend. That correspondence was returned, and Armstrong-Young was advised by my Courtroom Deputy that communications/submissions to the Court must be e-filed in the docket. She was also advised that if there is a dispute over whether an Amended Complaint may be filed as of right, she may wish to file an Amended Complaint and, at the same time, a Motion for Leave to File an Amended Complaint. As of today, Armstrong-Young has failed to do either.

Because Armstrong-Young has not opposed Carelink's motion, I GRANT the motion to dismiss. Given Federal Rule of Civil Procedure 15's liberal amendment standard, Armstrong-Young may have leave to amend. Armstrong-Young must file her amended complaint within 20 days of the date of this Order.

IT IS SO ORDERED.

Dated: March 23, 2018



William H. Orrick
United States District Judge